

Minutes

Jefferson County Board of Zoning Appeals

- 1 Meeting Date: November 10, 2022
- 2 Meeting Location: By order of the Chair, the Board of Zoning Appeals meeting was held
3 in-person in the County Commission Meeting Room located in the
4 lower level of the Charles Town Library; and virtually via ZOOM.
- 5 Board Members Present: Tyler Quynn, Chair; Matthew McKinney, Secretary; and, Mikala
6 Shremshock, Alternate Member were all present in person.
- 7 Board Members Absent: Deirdre Catterton, Vice Chair; and Steve Guier with notification
- 8 Staff Members Present: Alexandra Beaulieu, Zoning Administrator; Luke Seigfried, County
9 Planner; and Jennilee Hartman, Zoning Clerk

10 All requests were pursuant to the Jefferson County Zoning and Land Development Ordinance.

11 Mr. McKinney moved to call the meeting to order at 2:05 pm. Mr. Quynn called for a vote, which
12 carried unanimously.

13 Mr. Quynn reviewed meeting protocol for those in attendance.

14 **Approval of Minutes: September 22, 2022**

15 Mr. Quynn requested the following revision:

- 16 a. Page 1, Line 22: change *either* to *both* and *or* to *and*.

17 Mr. McKinney moved to approve the minutes with the suggested revision. Mr. Quynn called for a
18 vote, which carried unanimously.

19 Ms. Hartman swore in members of the public who indicated they would be providing testimony.

20 **ITEM #1 FILE #: 22-37-ZV**

- 21 Request: Variance from Section 5.7B of the Zoning Ordinance (as amended 05/01/03) to reduce
22 the front setback from 40' to 14' in order to convert an existing garage into an
23 Accessory Dwelling Unit as a detached in-law suite for a family member.
- 24 Parcel Info: Julia Reynes, Property Owner
25 Potomac Ridge Subdivision, Lot 7, 384 Potomac Ridge Ln, Shepherdstown, WV;
26 Parcel ID: 09001000090017; Size: 3.35 ac; Zoning District: Rural

27 Julia Reynes, property owner, was present via ZOOM to address the Board. Ms. Beaulieu provided
28 an overview of her staff report. Ms. Beaulieu noted that on August 27, 2015, the previous property
29 owner was granted a zoning variance to reduce the front setback from 40' to 14' for the subject 24'
30 x 32' detached garage. As this approval was limited to the detached garage, the proposed change in
31 use from a garage to an in-law suite necessitated approval by the Board. Ms. Beaulieu added that
32 the applicant is also processing an application to request that the Planning Commission lift the
33 single family restriction to allow for the subject in-law suite.

34 Ms. Reynes explained the nature of the request to the Board stating the proposed in-law suite would
35 initially be occupied by visiting family members. Ms. Reynes stated that in the future she would
36 live in the unit and that her son would live in the main house. Mr. Reynes acknowledged that she
37 would not be permitted to rent out the unit. Mr. Reynes explained why she converted the structure
38 without a building permit.

39 Mr. Quynn opened the public hearing. No members of the public provided testimony. Mr. Quynn
40 closed the public hearing.

1 Mr. McKinney moved to approve the variance with the condition that the applicant obtain a building
2 permit, approval from the Planning Commission to lift the single family restriction, and a zoning
3 certificate; and stated that the applicant is bound by their testimony. Mr. Quynn called for a vote,
4 which carried unanimously.

5 **Zoning Administrator's Report**

6 Ms. Beaulieu noted the next meeting date was December 8, 2022.

7 a. Monthly Zoning Certificate Activity Report. The Report was included in the mailed packet.

8 b. Approval of the 2023 Board of Zoning Appeals Meeting Schedule.

9 Ms. Shremshock moved to approve the meeting schedule as presented. Mr. Quynn called for
10 a vote, which carried unanimously.

11 **Legal Update**

12 a. Discussion of the following pending lawsuit:

13 1. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: ZTA22-01 Solar Energy
14 Facilities) Rockwell v. JCPC, JCBZA and JCCC. No discussion.

15 2. Jefferson County Circuit Court Case #CC-19-2022-C-103 (RE: ZTA22-01 Solar Energy
16 Facilities) Stone v. JCBZA. No discussion.

17 c. Discussion with possible deliberative session and signing of draft Findings/Decisions.

18 Meeting: October 27, 2022

19 1. Variance from Sections 10.4B, 4.11E, 11.1A. Applicant: A&R Development (Dollar
20 General). Owner: Iris Wood. File: 22-32-ZV, 22-33-ZV, and 22-34-ZV.

21 2. Variance from Section 9.7. Owner: Potomac Cottages, LLC / Attn: Robert and Julie
22 Starkey. File: 22-35-ZV.

23 3. Variance from Appendix B. Owner: Sheetz, Inc. File: 22-36-ZV.

24 4. Variance from Section 4.3GD. Owner: Performance Auto Works, LLC / Attn: Billy
25 Ring. File: 22-38-ZV.

26 5. Request for a Conditional Use Permit to operate a Day Care, Large. Applicant: Pathway
27 Childcare Center. Owner: Alice Chapman. File: 22-8-CUP.

28 6. Request for a Conditional Use Permit to operate a Solar Energy Facility. Applicant:
29 Rippon Energy Facility, LLC/Torch Clean Energy. Owners: Bullskin LLC, Clarence E
30 Hough Et Al, View Mountain Farm LLC, and Stanley W Jr & Katherine B Dunn. File:
31 22-9-CUP.

32 Mr. Groh stated prior to the meeting that he would provide Mr. Quynn a copy of the draft
33 Findings for review after the meeting.

34 Mr. McKinney moved to adjourn the meeting at 2:31 pm. Mr. Quynn called for a vote, which carried
35 unanimously.